Then she married defendant. Subsequently plaintiff brought an action against defendant in New York for criminal conversation. *Held,* the divorce is no defense to the action. *Berney* v. *Adriance,* 142 N. Y. Supp. 748 (App. Div.).

A divorce granted in a state, not the domicil of matrimony, to a citizen thereof, without personal service upon the defendant within the state and without appearance by him, is valid as fixing the status of the plaintiff within that state. *Maynard* v. *Hill,* 125 U. S. 190. But such a divorce is not entitled to full faith and credit in other states. *Haddock* v. *Haddock,* 201 U. S. 562. It is usually recognized in most jurisdictions through comity. MINOR, CONFL. LAWS, 203. In New York it is not recognized as effectual for any purpose. *Winston* v. *Winston,* 165 N. Y. 553, 59 N. E. 273.

As the judgment in the principal case was not to enforce a penalty, it seems that, under the full faith and credit clause of the Federal Constitution, an action upon it could be maintained in South Dakota, notwithstanding it could not have been obtained there. *Huntington* v. *Attrill,* 146 U. S. 657; *Fauntleroy* v. *Lum,* 210 U. S. 230. The novel but correct result is that South Dakota would be obliged to treat the divorce granted by its own court as invalid.

DANGEROUS PREMISES—ATTRACTIVE TO CHILDREN—LIABILITY.—A manufacturing company maintained a transformer house near a school on the same premises. Within the former were heavily charged electric wires placed near a window, which was protected by a network of slats having interstices of two or three inches. The children had been warned not to go near the transformer house. A nine-year old school boy, who could not reach the wires from the ground, climbed up to the window, thrust his hand through an opening between the slats, seized the wires and was injured. *Held,* the company is liable. *Hayes* v. *So. Pr. Co.* (S. C.), 78 S. E. 956.

The doctrine of attractive danger alone can account for this decision. The underlying principle of law is that when one keeps on his premises a dangerous and attractive machine or other agency, under circumstances which naturally tend to allure children of immature judgment, and to induce them to believe that they are at liberty to enter and handle it, such maintenance is tantamount to an implied invitation to enter and play with such agency. *Smalley* v. *Rio Grande Western R. Co.,* 34 Utah 423, 98 Pac. 311. When one maintains such an allurement on his premises he must use ordinary care to protect children from harm. *Brown* v. *Salt Lake City,* 33 Utah 222, 93 Pac. 570, 14 L. R. A. (N. S.) 619; *Bransom's Adm'r* v. *Labrot,* 81 Ky. 638, 50 Am. Rep. 193; *Kopplekom* v. *Colo. Cement Pipe Co.* (Colo.), 54 L. R. A. 284.

In those jurisdictions where this doctrine is accepted the tendency of the courts is to limit rather than to extend it. *Mayfield Water & L. Co.* v. *Webb's Adm'r* (Ky.), 111 S. W. 712, 18 L. R. A. (N. S.) 179; *Simonton* v. *Citizen's Elec. L. & P. Co.,* 28 Tex. Civ. App. 376, 67 S. W. 530; *Sullivan* v. *Huidekoper,* 27 App. D. C. 154, 5 L. R. A (N. S.) 263. Such proprietors are held liable where the attractive danger is near

a public thoroughfare or where the public has a right to go. *Temple* v. *McComb City Elec. L. & P. Co.* (Miss.), 42 South. 874, 11 L. R. A. (N. S.) 449; *Kopplekom* v. *Colo. Cement Pipe Co., supra.* Where, however, the attractive danger is not near a public thoroughfare or is not where the public has a right to go, the proprietor is not liable. *Hermes' Adm'r* v. *Hatfield Coal Co.* (Ky.), 120 S. W. 351; *Gillespie* v. *McGowen,* 100 Pa. St. 144, 45 Am. Rep. 365; *Richards* v. *Connell,* 45 Neb. 467, 63 N. W. 915. It is not the keeping or leaving of an attractive dangerous thing on his premises that renders the owner liable; but it is the failure to take precautions to guard or protect them, or to prevent the intrusion of children. *Smalley* v. *Rio Grande Western R. Co., supra; Hart* v. *Mason City Brick & Tile Co.* (Ia.), 135 N. W. 423; *Bransom's Adm'r* v. *Labrot, supra; Kelley* v. *So. Wis. R. Co.* (Wis.), 140 N. W. 60.

Even in those states where the doctrine of attractive danger is generally accepted, no recovery is permitted where children have been warned away from the attractive object. *Missouri, K. & T. R. Co. of Tex.* v. *Edwards,* 90 Tex. 65, 36 S. W. 430, 32 L. R. A. 825; *Curtis* v. *Tenino Stone Quarries,* 37 Wash. 355, 79 Pac. 955; *O'Conner* v. *Ill. Cent. R. Co.,* 44 La. Ann. 339, 10 So. 678. This is upon the theory that the violation of such warning reduces the status of children from implied invitees to actual trespassers; and the owner is not liable to a wilful trespasser, even though a child, save for wanton injury. *Ball* v. *Middlesboro Town & Land Co.,* 24 Ky. Law Rep. 114, 68 S. W. 6. In the principal case, construing the situation in the most favorable light for the infant, he was at best a mere licensee toward whom the company owed no duty save to abstain from willfully injuring him. *C., C., C. & St. L. R. Co.* v. *Ballentine,* 28 C. C. A. 572, 84 Fed. 935; *Benson* v. *Balt. Trac. Co.,* 77 Md. 535, 26 Atl. 973, 39 Am. St. Rep. 436, 20 L. R. A. 714. This case seems to carry the doctrine of attractive danger beyond safe limits.

EX POST FACTO LAWS—CHANGE IN MANNER OF INFLICTING PUNISHMENT. —A statute was passed substituting electrocution in place of death by hanging. *Held,* not *ex post facto* as to crimes committed before the passage of the statute. *State* v. *Malloy* (S. C.), 78 S. E. 995.

Any law passed after the commission of the offence for which the accused is being tried is an *ex post facto* law, when it inflicts a greater punishment than the law annexed to the crime when committed, or which alters the situation of the accused to his disadvantage. *In re Medley,* 134 U. S. 160. Laws mitigating a former punishment are clearly not *ex post facto,* but it is difficult to say in individual cases that one punishment is less severe than another. The courts generally seem inclined to ignore the individual case when it is clearly counter to the general conception of the degrees of punishment respectively inflicted, especially where the law has been passed with the intention to mitigate the punishment. It is held, though not without some conflict, that a change of punishment from death to anything short of death is not *ex post facto* as to previous crimes. *Commonwealth* v. *Wyman,* 66 Mass. (12 Cush.) 237; *McGuire* v. *State,* 76 Miss. 505, 25 So. 495. It was held by the United States Supreme Court, two judges dissenting, that where